

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Katsuhiko KAGEYAMA, et al.		
Application No. :	10/588,652	Confirmation No.:	9247
Filed :	August 7, 2006		
For:	Polyester Polymerization Catalyst, Polyester Produced Therewith, and Process for Producing the Polyester		
Art Unit :	1796		
Examiner :	MESH, Gennadiy		
Docket No. :	11197/16		
Customer No. :	23838		

### Mail Stop Amendment

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement mailed January 22, 2009, Applicants elect Group II, claims 8-19, with traverse. There is unity of invention between Groups I, II and III because applicants will show that EP 1227117 cited by the International Search Report would not render the catalyst of claim 8 unpatentable.

The Restriction Requirement indicates that Group III, which is drawn to processes for producing a polyester, includes claim 22. However, claim 22 is directed to a polyester, not a process for producing a polyester. Therefore, claim 22 should have been grouped with Group I, which is drawn to a polyester.

Applicants also note that the processes of the non-elected claims 20 and 21 use the catalyst of the elected claim 8. In the event that claim 8 is found patentable, applicants request rejoinder of claims 20 and 21 with claims 8-19 of the elected Group II.

If the filing of this paper is deemed not timely, applicants petition for an appropriate extension of time. The petition fee, and any other fees that may be required in relation to this paper, can be charged to Deposit Account 11-0600.

Respectfully submitted,  
KENYON & KENYON LLP

Dated: February 20, 2009

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